IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

LA.App..No. 389 of 2005(B)

AGAINST THE JDUGMENT AND DECREE DATED 25.11.1996 IN LAR.16/1995 of III ADDL.SUB COURT, ERNAKULAM

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APPELLANT: CLAIMANT

MUKUNDA RAO MANI,
SCIENTIST, QUARTER NO.IV A2,
D.R.D.O., RESIDENTIAL COMPLEX II,
PALLURUTHY.

BY ADV. SRI.DEVAN RAMACHANDRAN

RESPONDENTS: RESPONDENTS

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1. STATE OF KERALA, REPRESENTED BY
THE DISTRICT COLLECTOR,
ERNAKULAM.

2. MODEL ENGINEERING COLLEGE,
INSTITUTE OF HUMAN RESOURCES DEVELOPMENT
FOR ELECTRONICS, KAKKANAD, ERNAKULAM,
REPRESENTED BY PRINCIPAL, SRI.SUKULAL,
AGED 48, S/O.M.K.KARUNAKARAN.

BY ADV. SRI.N.N.SUGUNAPALAN, SC, IHRDE
SRI.S.SUJIN, SC, IHRD

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 08/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR, J.

L.A.A.389 OF 2005

JUDGMENT

8.02.07.

M.SASIDHARAN NAMBIAR,J.

L.A.A.NO.389 OF 2005

DATED THIS THE 8th DAY OF FEBRUARY, 2007

JUDGMENT

2.11 Ares in Survey No.601/1G5 of Vazhakkala village was acquired for the purpose of Model Engineering College. Land value of Rs.2709/- per Are was awarded. Unsatisfied with the compensation, petitioner sought reference and the case was referred to Land Acquisition Court. Learned Sub Judge tried L.A.R.16/95, along with L.A.R.Nos. 7/95, 8/95,17/95 and 109/95. As per common award dated, 25.11.96,for the properties comprised in L.A.R.Nos.7/95, 16/95 and 109/95 original land value of Rs.9032/- per Are was enhanced to Rs.11,741/- per Are. As a result, appellant was awarded an enhanced land value of Rs.2,709/- per Are. The appeal is filed challenging the sufficiency of land value awarded.

2. The claimant in L.A.R.17/95 challenged the common award in L.A.A.1751/98. The claimant in L.A.R.7/95 challenged the award in L.A.A.162/99. As per the judgment dated 3.7.01, this Court enhanced the land value awarded for the land acquired in L.A.R.7/95 from Rs.9.032/- originally fixed in the award, to Rs.33,976/-. As a result claimant in L.A.R.7/95, who was the appellant in L.A.A.162/99, was

granted an enhanced land value at the rate of Rs.24,944/- per Are. As that judgment has become final, appellant herein is also entitled to get the very same enhanced land value awarded for the land in L.A.R.7/75, which was enhanced in L.A.A.162/99.

In the result, the appeal is allowed modifying the judgment and decree passed by learned Sub Judge. Appellant is entitled to get enhanced land value at the rate of Rs.24.944/-per Are. He is also entitled to get all other statutory benefits mentioned in the judgment of learned Sub Judge.

M.SASIDHARAN NAMBIAR,JUDGE

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